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VIA ECF

Honorable Gregory H. Woods
United States District Court
Southern District of New York
500 Pearl Street, 12C
New York, New York 10007

Re: Consent Letter-Motion to Extend Time for the Parties to File Summary Judgment Motions and to Extend Motion Page Limits in *Flynn et al v. Cable News Network, Inc.*, No. 1:21-cv-02587-GHW-SLC (S.D.N.Y.)

Dear Judge Woods:

We represent Defendant Cable News Network, Inc. (“CNN”) in the above-referenced action. If the Court grants CNN’s concurrently-filed request for a pre-motion conference, we write pursuant to Your Honor’s Individual Practice Rules, Section 1.E, to request (1) an extension of the parties’ summary judgment motion deadline, from August 7, 2023, to September 25, 2023; and (2) an extension of page limits to 40 pages for the parties’ memoranda of law in support of and opposition to summary judgment. Counsel for Plaintiffs Jack Flynn and Leslie Flynn (“Plaintiffs”) consents to this request.

First, CNN requests an extension of the parties’ summary judgment motion deadline to the following date:

- **September 25, 2023:** Deadline to file summary judgment motions¹

On July 27, 2023, Magistrate Judge Cave ruled on the parties’ final pending discovery dispute, permitting CNN to serve an additional interrogatory on Plaintiff Leslie Flynn by August 3, 2023, and to pursue service of a third-party subpoena until September 8, 2023. Dkt. No. 162. Magistrate Judge Cave, however, deemed the close of discovery in this action to be July 7, 2023. *Id.* Under Federal Rule of Civil Procedure 56(b), the parties’ summary judgment motions are currently due 30 days from July 7, 2023, or August 7, 2023.

¹ Pursuant to Your Honor’s Individual Practice Rules, Section 3.F, motions to exclude expert testimony must be made by the summary judgment deadline. Accordingly, if the Court grants the requested extension for the parties to file summary judgment motions, any motions to exclude expert testimony shall be filed by the same date.

Judge Woods
Page 2

Additionally, in the related actions pending in the Middle District of Florida, *Valerie Flynn v. CNN* (No. 8:22-cv-343) and *Lori Flynn v. CNN* (No. 8:22-cv-00512), the court ordered that the parties file their summary judgment and *Daubert* motions by September 25, 2023. Dkt. 81.

Accordingly, CNN, with Plaintiffs' counsel's consent, requests this additional time so that the parties have sufficient time to prepare their respective summary judgment motions and align the summary judgment deadline in this action with the related actions in the Middle District of Florida.

The parties have not previously requested an extension of time in connection with the summary judgment motion deadline.

Second, CNN requests an extension of the parties' summary judgment motion page limits. Per Your Honor's Individual Practices, Section 3.A, memoranda of law in support of and in opposition to motions are limited to 25 pages, and reply memoranda are limited to 10 pages. CNN, with Plaintiffs' counsel's consent, requests the following extensions as to the parties' page limits:

- Memoranda of law in support of summary judgment motions: 40 pages
- Memoranda of law in opposition to summary judgment motions: 40 pages


CNN does not request any extension of pages limits as to replies. CNN, with Plaintiffs' counsel's consent, requests these additional page limits because this action involves two plaintiffs, extensive factual background, broad claims for relief, and multiple significant issues of constitutional law to address. The additional pages will allow CNN to move for summary judgment in an organized, clear, and efficient matter. The additional pages will materially assist the Court in considering its position.

* * *

Accordingly, if the Court grants CNN's concurrently-filed request for a pre-motion conference, CNN, with Plaintiffs' counsel's consent, requests (1) an extension of the parties' summary judgment motion deadline, from August 7, 2023, to September 25, 2023; and (2) an extension of page limits to 40 pages for the parties' memoranda of law in support of and opposition to summary judgment. Thank you for the Court's consideration of this request.

Respectfully Submitted,

Davis Wright Tremaine LLP


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